

**IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
BRYSON CITY DIVISION**

**CIVIL NO. 2:01CV19**

**UNITED STATES *ex rel.*, KAREN  
T. WILSON,**

**Plaintiffs,**

**Vs.**

**ORDER**

**GRAHAM COUNTY SOIL & WATER  
CONSERVATION DISTRICT;  
GRAHAM COUNTY; CHEROKEE  
COUNTY SOIL & WATER  
CONSERVATION DISTRICT;  
RICHARD GREENE, in his individual  
capacity; WILLIAM TIMPSON, in his  
individual capacity; KEITH ORR, in  
his individual and official capacities;  
RAYMOND WILLIAMS, in his official  
capacity; DALE WIGGINS, in his  
official capacity; GERALD PHILLIPS,  
in his individual and official  
capacities; ALLEN DEHART, in his  
official capacity; and LYNN  
CODY, in his official capacity,**

**Defendants.**

**THIS MATTER** is before the Court on the Plaintiff's Third Amended  
Complaint filed in response to this Court's Order of July 20, 2006.

In a series of sternly worded Orders, the undersigned has endeavored to force the Plaintiff's attorney to follow its instructions so that this case may be placed back in a posture for prosecution. The most recent such Order required the Plaintiff to file an amended complaint to correct errors which were brought to the parties' attention. Inexplicably, the Plaintiff's attorney now files an amended complaint which, while correcting the errors noted, retained in the complaint causes of action which were dismissed with prejudice by Order entered on September 19, 2002. ***Wilson v. Graham County Soil & Water Conservation Dist.*, 224 F.Supp.2d 1042, 1052 (W.D.N.C. 2002)** ("It is, therefore, ordered that the motions to dismiss . . . are allowed as to the Relator's remaining claims contained in Sections C and D of the Second Amended complaint and such claims are hereby Dismissed with Prejudice."). Order after order which have been entered in this case since the remand from the Fourth Circuit has addressed and clarified the issues, claims and parties remaining for trial. It has been pointed out more than once that these claims no longer remain in the case. There is simply no excuse for re-inserting claims that were dismissed almost four years ago.

**IT IS, THEREFORE, ORDERED** that the causes of action alleged in Sections C and D of the Third Amended Complaint are hereby **STRICKEN AND DISMISSED WITH PREJUDICE.**

**IT IS FURTHER ORDERED** that at the pretrial conference currently scheduled for August 28, 2006, Plaintiff's counsel shall be prepared to address why he should not be sanctioned pursuant to 28 U.S.C. § 1927.

Signed: August 14, 2006

A handwritten signature in dark ink, appearing to read 'L. H. Thornburg', is written over a horizontal line.

Lacy H. Thornburg  
United States District Judge

